

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	CASE NO.: 24-10523-AMC
)	
Jodie Beth Barker,)	
)	
Debtor)	CHAPTER 13

**OBJECTION OF CAPITAL ONE AUTO FINANCE,
A DIVISION OF CAPITAL ONE, N.A.
TO CONFIRMATION OF DEBTOR'S PROPOSED PLAN**

Capital One Auto Finance, a division of Capital One, N.A. ("COAF"), by and through its attorneys, Lavin, Cedrone, Graver, Boyd & DiSipio, files **Objection to Confirmation of Debtor's Proposed Plan** and states:

1. On May 30, 2020, Debtor Jodie Beth Barker, entered into a Retail Installment Sales Contract in the principal amount of \$21,522.00 (the "Contract") that referred and related to the purchase of a 2010 Jeep Wrangler Utility 2D Rubicon 4WD .8L V6, V.I.N. 1J4BA6D11AL183656 (the "Motor Vehicle").
2. The interest rate under the Contract is 7.5700% *per annum*.
3. COAF is the assignee of the Contract.
4. To secure the Contract, Debtor Jodie Beth Barker granted a first lien on the Motor Vehicle in favor of COAF.
5. On February 16, 2024, Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
6. On February 16, 2024, Debtor filed a Proposed Plan (the "Plan").
7. The Chapter 13 Trustee has scheduled a Meeting of Creditors for April 17, 2024.
8. The plan lists the amount of the claim at \$3,005.00 at 0.00% interest.
9. As of the February 16, 2024, the balance on Capital One Auto Finance, a division of Capital One, N.A. Total claim was \$10,184.15.
10. A proposed 0.000% interest rate is inconsistent with Till v. SCS Credit Corp., 541 U.S. 405

(2004).

11. The fair market value for the Motor Vehicle is \$9,575.00. See attached Exhibit C.
12. COAF is entitled to a secured claim of \$9,575.00 at 7.570% interest over the life of the plan.
13. For the foregoing reasons, COAF objects to confirmation of the Plan.

WHEREFORE **Capital One Auto Finance, a division of Capital One, N.A.**, respectfully requests this Honorable Court to deny confirmation of the Plan.

Respectfully submitted,

Lavin, Cedrone, Graver, Boyd & DiSipio

BY: /s/ Regina Cohen

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Dated: April 10, 2024